

INDIANAPOLIS-MARION COUNTY LAW ENFORCEMENT CONSOLIDATION  
COMMITTEE.

DATE: July 13, 2005  
LOCATION: Public Assembly Room  
CALLED TO ORDER: 6:40 p.m.  
ADJOURNED: 8:18 p.m.

ATTENDANCE

Attending Members

Mary Moriarty Adams, Chairwoman  
Lonnell Conley  
Ron Gibson  
Dane Mahern  
Lynn McWhirter  
William Oliver  
Marilyn Pfisterer  
Lincoln Plowman

Absent Members

Joanne Sanders

AGENDA

**Public Hearing and testimony before the Indianapolis Marion County Law Enforcement Consolidations Committee regarding potential merger of Public Safety Agencies in Marion County.**

## **INDIANAPOLIS-MARION COUNTY LAW ENFORCEMENT CONSOLIDATION COMMITTEE**

The Indianapolis-Marion County Law Enforcement Consolidation Committee of the City-County Council met on Wednesday, July 13, 2005 in Room 260. Chairwoman Mary Moriarty Adams called the meeting to order at 6:40 p.m. with the following members present: Lonnell Conley, Ron Gibson, Dane Mahern, Lynn McWhirter, William Oliver, Marilyn Pfisterer, and Lincoln Plowman. Absent was Joanne Sanders. Also present were Steve Talley, President of the Council, and Bart Brown, the Chief Financial Officer of the Council.

Chairwoman Moriarty Adams thanked everyone for attending the first public hearing regarding potential law enforcement consolidation. She asked that anyone interested in speaking on consolidation to please sign in with Jean Milharcic. She said that the committee would not address any questions at this time. However, there are comment cards available for those who would like to submit questions, and they will be answered at a later time.

John Myrland, President of The Greater Indianapolis Chamber of Commerce, said that the Chamber was involved with Uni-Gov and has throughout the last ten years conducted a number of studies on government consolidation and the need to provide the most efficient and effective form of government to all citizens in and throughout Marion County. He said that there was another study called the Marion County Tax Alliance that was conducted that recommended, in addition to the need to look at ways to consolidate government at all levels, that there may be a need to enhance investments in public services in Marion County. He said that many of the ideas from Indyworks came from the Marion County Tax Alliance study. Mr. Myrland said that the Chamber would like a public safety system that provides the maximum safety to all citizens in Marion County. He said the business community is very interested in the consolidation topic because the business community has to interact with government at all levels. The fewer layers of government the businesses can deal with, the better. Over 85 percent of businesses are considered to be small businesses, and 85 percent of the Chamber's 3,800 members have less than 50 employees. The businesses are concerned about making sure that services that are required and needed for their business to be successful are delivered efficiently and effectively. Mr. Myrland said that the Mayor's actions in IndyWorks to try and save \$35 million on an annual basis were questioned, but the answer to that is that any money saved is money that the city does not have. Mr. Myrland explained that even if the IndyWorks as a whole had passed, there still would have been areas that were going to be cut in different agencies. He said this is a beginning, and the Chamber stands ready to help everyone. They are not here to describe how to do it, but here to commend the Council for looking at this possible consolidation.

Jason Grace, Indianapolis Police Department (IPD) stated that the consolidation issue is cut and dry for most of the IPD officers. Many officers on the street will say that they are in favor of the merger; however, the way the Mayor has proposed this consolidation is ridiculous. The Mayor said that this city should be run like a company, and that one person should be held responsible for the good and bad of that company. Mr. Grace asked who will run this new police department. The Mayor proposed that the elected Sheriff will answer to a committee whose

members are appointed by the Mayor. Mr. Grace said that any good business knows that it takes money to make money. He said the Mayor has been talking about what can be saved but has not spoken about what it will cost to make that money. The crime rate is on the rise and the Mayor is saying that he is going to lay off police officers. Marion County Sheriff's Department (MCSD) is shorthanded, and there are not enough deputies to cover the public need; nevertheless the deputies get the job done and they do it well. If the police departments merge, IPD's presence will become more infrequent in most areas because some of the officers will be taken out of the inner city and placed in the suburbs. He said that there are too many unanswered questions. He added that the Mayor's plan compromises public safety as well as officer safety.

Vince Huber, President of the Fraternal Order of Police (FOP), stated that their organization is the eighth largest lodge in the country, serving 2,200 active and retired members from 15 different law enforcement agencies in Indianapolis and Marion County. He said that they have a lot of questions regarding the IndyWorks plan. For a month, the FOP has tried to get more information on this plan. Committees were formed and meetings were held, and the FOP still has no answers. He said that problems with this plan start at the top of the plan. Establishing a police commission will create a lot of problems for the FOP. He said this plan calls for the Sheriff to be in charge, but after close examination the real people in charge is the Commission. This plan suggests that 250 officers from the IPD service area be moved to the County line service area. This would create a lot of problems with the ability to protect and serve. This city just recently lost 78 officers due to budget cuts, so how can the city survive losing 328 officers. Another area of interest is the contract area. There have been extensive studies done to compare the contracts of IPD and MCSD. There are big differences in pay, work schedules, fringe benefits and the way citizens' complaints are handled. Insurance is another source of concern for FOP members and their families. Each department has their own policies and procedures for handling insurance. The County pays 85 percent of any plan offered to an active deputy. The city pays 85 percent of the cheapest plan offered to an active officer. The County pays 75 percent of the retired deputy's insurance, while the City pays up to 60 percent of the retired officers insurance. There are also differences in the amount paid to the out-of-state retirees. The County offers a three-tier program for insurance coverage. The City only offers two tier plans. Each department has its own policy and procedure to deal with extraordinary matters of public safety, and to pick which policy to follow will be a very difficult task. Mr. Huber said that the driving force behind the development of IndyWorks is the suggested financial saving that can be gained by a consolidation. He said the driving force behind any plan concerning public safety should be how law enforcement can better serve and protect the citizens. There were questions on the suggested savings back in March of 2005, and today these questions still have not been answered. Both IPD and MCSD, active and retired, have submitted ideas on how to raise money for public safety and criminal justice issues that face the City and County. He added that the City should give serious consideration into using some of the \$68 million the City has in the Capital Improvement Board Fund that by statute can be used for public safety. The financial problems facing the City and the County have been around for years and should not be ignored any longer. Consolidating two extremely effective and efficient departments will make public safety worse by creating a single ineffective inefficient department, and this is not a viable

option. Back in 2002, the FOP gave the Mayor and the City-County Council several suggestions to help resolve problems that have plagued the city for years. Unfortunately the suggestions have been ignored for public safety, but are being applied to fund a \$900 million stadium and convention center expansion. Mr. Huber asked what the true priorities are for Indianapolis. The members of the FOP are dedicated servants and are committed to providing the best public safety to citizens of Indianapolis and Marion County. They will work with the Mayor and any other designated person to address all the problems and concerns identified in the proposed consolidation. The consolidated concept needs further study and is far too important to rush through. The professional law enforcement servants are willing and able to assist the designated persons in exploring this issue. In the end, the FOP is confident that the City-County Council will do what is right to keep the citizens of Indianapolis and Marion County safe, and will do everything in their power to preserve the rights and privileges of the officers and deputies.

Steve Davis, retired deputy of MCSO after 28 years of service, stated that he is in opposition to any further consolidation of the police and sheriff departments, because it would not serve the best interest of the law-abiding people of this community. The Mayor is trying to pull the wool over everyone's eyes. This is supposed to be governed by the people for the people, not by the Mayor for the Mayor. He said that those who have already stated they will support this proposal, before the facts, should step down immediately. Merging the departments will cost time, money, and sweat; and the city will end up with the same number of officers in the same number of neighborhoods they started with. Deputies and police officers are career professionals and should be treated as more than just pawns on a chessboard. They are everyday heroes risking their lives for citizens and truly understand that our safety is at stake. Ninety-seven percent of them have already voted against consolidation, as it will adversely affect their working conditions, their morale, and ultimately their ability to protect citizens. Separate agencies create an atmosphere of good-spirited competition. This promotes professionalism and enhances performance, as each agency strives to out-perform their counterparts. Everybody likes choices, and citizens can choose to reside in the service area that pleases them most. Separate agencies also serve as a check and balance that discourages police or government corruption. Unlike business, other government examples teach that consolidating public safety agencies is actually more expensive in the long run. If the funding formula is broken, then fix the formula, but citizens deserve the truth. This proposal is not about people safety or savings. This is about giving the Mayor absolute power, more power than any one person should have. Mr. Davis urged the committee to do the right thing for their constituents and for their community, by telling the Mayor to quit holding their police and their safety hostage. He asked them to vote against any further law enforcement consolidation.

Aaron Sullivan, FOP, stated that the real problem is the police and fire pension liabilities. Many years ago the City stopped funding the 1953 Police Pension Fund, before Mayor Peterson was in office. The debt has grown to a level that cannot be managed by historic or traditional means. In Mayor Peterson's first term, he developed a plan to change the public safety-taxing district to include the entire County. For various reasons, the public rejected that plan, and now the police pension liability bill is due. To this day, no one has developed a plan to survive the bill coming

due. Some have estimated that the liability will peak in 2008 and will be non-existent in 2025. So this is an attempt to put a Band-Aid on the real problem. This merger may be helpful, but it may also add to the problem. He said if the City had taken the time, energy and money that they have put into the merger idea and put it toward attacking the police and fire pension obligations, there could have been great gains addressing the real problem. Police work is expensive, and both departments are doing a great job with little financial resources.

Randy Bault, Indianapolis Fleet Services (IFS) said that he read the proposed plan and he is not sure who would take care of the equipment if they eliminate 17 positions and the garage. IFS cannot accept another 650 vehicles in that facility. The mechanics are currently at capacity and would not be able to handle the workload. He said that what was proposed in the IndyWorks plan is not reality and cannot happen.

Kathleen Kindred, Garfield Neighborhood Association, said that in 2002, Mayor Peterson challenged the community to think about how the world has changed since 1970, as he pushed to increase the number of IPD officers. In 2000, there was the same number of officers as there were in 1970. A few months ago there were only 130 more officers than there were in 1970 and 78 officers will lose their jobs. She said that she fears consolidation would send out the Garfield community police resources to cover a need to add 250 sheriff's deputies. Mayor Peterson was correct when he said in 2000 that "the most important thing that we can do is add to the police department a police presence that deters crime." The Garfield Neighborhood has an active and growing neighborhood association and also police presence in the neighborhood. The community policing is very important to the neighborhood. If the City's police were spread out to cover the need for 250 deputies, then the safety of the Garfield neighborhood would be jeopardized. Ms. Kindred said that policing the neighborhood is far too important for politics to influence. She asked the committee to keep the coverage at least at the current level.

Harry Simpson, Eagledale Neighborhood Association, stated that he is very concerned about the safety of the City. He said that the people are very happy with what is going on with the police department. They come and visit the neighborhood meeting every month. There is a very good relationship with the police department, and the citizens in Eagledale do not want that relationship to go away. He said he likes the idea of having a check and balance type of system between a Sheriff who is elected, and the Mayor, who is elected. He added that he is concerned about the morale of the two departments should there be a merger.

Bonnie Dotts, We Care Neighborhood Association, stated that the safety of the communities should be of the utmost importance. This issue is so important that it should be taken to the citizens for a vote. She said that because of community police, she is more aware of the problems that her neighborhood faces daily. Ms. Dotts said that she fears that if there were a consolidation, the neighborhood would lose the much-needed help and support that they have with IPD and the community policing approach.

Rich Snyder, MCSD Detective Sergeant, stated that he is fully aware of the difficult times the City of Indianapolis is facing. He said that if there were a compromise for good public policy in order to help with cost savings, the City would lose both. Currently financial disparities make no excuse for the violation of agreement that many have been committed to in years past. He said the Council must decide if consolidation of law enforcement is feasible, and the responsible route to choose. Any predetermined outcome on such an important issue minimizes committee members' roles as elected representatives in the community. Other levels of government have already struggled with the overall concept that is being proposed. Concerns were further exaggerated with the details of specific plans when they were revealed. The City Controller presented this committee with annual savings that would result from a law enforcement consolidation. These figures were the single reason used to demonstrate the need for restructuring the law enforcement organization, and these are the same numbers outlined in IndyWorks. The Mayor outlined a budgetary problem and proposed a remedy that included merging police structures, without ever consulting members of these two departments. The cost savings have been alleged by manipulating the current pension structures that are currently in place for both departments. The need for the change in the pension structures has never been adequately explained. He said that if this committee decides to move forward, then there should be a diligent review to determine the best practices to be implemented. He said that it is the suggested manipulation of their pension programs that has forced them to rise before this committee with concern. It was the reorganization of the fund management structure that gave them reason to pause. It was the erosion of the control of the monies contained in these plans that caused them alarm. And it was the reduction in promised benefits that forced their membership to take a stand against the Mayor's Plan. He said that they refused to become the Mayor's collateral damage in this campaign for reorganization. Mr. Snyder said that their protest does not arise from what they deserve; instead it comes from what they have earned through years of sacrifice and dedication. He said that in the Mayor's plan, the IPD Pension Board, which is currently controlled by a majority of elected active and retired members, would be dissolved and replaced by a 14-member pension commission. The active members of the Metropolitan Law Enforcement Agency would elect only one of those members. This new pension commission would also allow for only one retired member of the 1953 fund or 1977 fund, which would dilute the control of the members of both the 1953 pension fund and the 1977 pension fund. The decision-making power would be shifted to others who are not even part of the pension plans, many of which would be appointed by the Mayor. The Mayor said that the purpose of this new pension structure was for Sheriff's employees to be provided with integrity and to be able to hold officials accountable for the pension actions, but the integrity of the pension funds has never been questioned before. The murder rate is up 26 percent, yet at the same time the Mayor is planning to reduce police power. Mr. Snyder said that the citizens of this City, the members of this committee and the members of the two departments should not be forced to act hastily on the Mayor's decision to reduce police protection at a time when the need for public safety is high. He said that this committee's ability to act should be tempered with prudence.

Danny Overly, FOP, stated that he joined the police as a cadet police officer in 1969. He said that he was sworn in as an officer in 1973 and retired in 1994 as a deputy chief. He has served

on the Pension Consolidation Committee for the FOP for the last several months. He has looked at the issues if a consolidation were to occur. He said that they wanted to be prepared for consolidation due to the fact that they represent too many benefits for too many officers. He said that he is going to present the pension consolidation committee recommendations that do not represent the members of the FOP because they were not informed about these recommendations. Mr. Overly said that IPD has 740 officers that are currently receiving benefits. There are also 338 widows and 10 dependent children. The first recommendation is that if consolidation were to occur, all IPD and all MCSD remain and be grandfathered into their current pension funds. Another issue that is extremely important is social security. Currently, IPD officers are not covered by social security while MCSD deputies are covered. Mr. Overly said that when an IPD officer reaches the age of retirement he is subject to the windfall elimination provision of social security. This means that the officers' benefits could be reduced by 60 percent. MCSD deputies are in social security and they are not subject to that provision. There is serious concern that if these were combined, everyone would be subjected to that provision. He said that the pension consolidation committee recommends that any new officers hired would be in the new 1977 fund. He said they recommend that the pension board stay in place, and added that their committee stands prepared to meet with the consolidation committee on these recommendations.

Reverend Rayford Brown President of Missionary Baptist Ministers Alliance, said that these officers were hired and trained to protect the City of Indianapolis and Marion County. He said that it would be very wise for everyone to use their input in making the decisions of their lives and the lives of the citizens of Indianapolis. He added that it also seems to be wise that since 97 percent of the officers are against this consolidation, this committee should seek out their counsel and their input.

Robert Yahara, citizen, said that a lot of the problems that this City and County are facing are rooted in the consolidation of 1970. He said that there is tension between the County and the old City limits. Mr. Yahara said that there is a choice between a collaborated police department or a consolidated police department. He said that the Mayor created a document called Peterson Plan II, and this document stated that he supported collaboration and not consolidation. Mr. Yahara said that he supports the leadership of the Mayor in reference to Peterson Plan II. He said that there are serious doubts about IndyWorks. Mr. Yahara said that the Council passed a proposal that would support the tax increase that would allow for the expansion of the convention center and allow a new stadium. He asked what the council is doing to protect the citizens in the area of public safety and where are their priorities.

Nannette Tunget, Mayor of Southport, stated that Southport is one of the four excluded cities in addition to Beech Grove, Lawrence, and Speedway. She said that together there are 104 officers that patrol in Marion County. Southport taxes pay for MCSD, as well as their own police department and they are happy to do so for better public safety. Mayor Tunget said that there are police stations that are convenient for all of Marion County residents to use various services. She said that there are State police, Homecroft police and MCSD police officers that use the

Southport office. There is a lot of community policing that takes place in Southport due to the community being so small. She said that these services are given free of charge to people that are not a part of the excluded cities. She said that Southport police assist MCSD with runs and help out as needed. Mayor Tunget said that the Indyworks Plan said that the excluded cities have the option of opting in or not. She said she is clueless as to what this means. She said that she wanted to remind everyone of all the ways excluded cities help.

Robert Love, IPD officer, said that his concern is for the citizens of Indianapolis and Marion County. He asked what would happen to the people that are serviced in IPD's district if 250 officers are taken away from the IPD service district and transferred into other parts of the County.

Fran Ashton, citizen, stated that she urges the committee to consider the impact of the IndyWorks plan. She said that there is a need for a stronger Merit Law to protect the citizen of this City. She said that she questions the motives of anyone in City government who would submit a plan while asserting to the legislators and to the citizens that only certain laws are impacted. There was no mention of the Merit Law being affected when the research on the IndyWorks was completed. The Merit Law is a key to maintaining the integrity of both departments. It allows police officers that already have individual personal responsibilities for their actions, to refuse an illegal order. An example would be how politics are kept out of everyday law enforcement. She said that sometimes a policy sounds like a really good idea but would result in extreme liability for both the officer and the City. She said that she is concerned with the safety of the officers and this should not be a rushed process.

Suzannah Overholt, IndyWorks Transition Director, said that she wanted to address comments made about the pensions and the excluded cities. She said that under Senate Bill 307, the current pension structure will remain in place. The people that are in the different plans would stay in their plan. Any new member of the proposed new agency would be enrolled into the 1977 fund. Ms. Overholt said that Senate Bill 307 stated that the Council could not take any action that would prohibit mutual aid agreements with the excluded cities.

Tom Glass, citizen, stated that over the last year he has had contact with the local police officers on the west side, and has formed a relationship with them that has proven to be very helpful in solving a lot of neighborhood problems. He said that IPD on the west side is making efforts to solve challenges that deal with ethnic confrontation. IPD is taking steps that are proving to be beneficial. He said that his concern is that this proposed consolidation would take away the relationship that the citizens have with the local police force.

Chairwoman Moriarty Adams said that she will read the questions that are submitted on the comment cards and make every effort to respond to those questions using the information that was provided by IPD and MCSD. She said that she will be happy to share the responses to those questions with the committee prior to sending the information to the concerned persons.



Councillor Conley said that everyone should understand that this possible consolidation is an ongoing process and this committee will not rush through anything. He said the committee is in the information gathering stage of this process to determine if a consolidation is feasible.

Councillor Pfisterer stated that it is important that the citizens get more involved in this process so that they are better informed.

Chairwoman Moriarty Adams advised everyone that the next consolidation hearing will be on Wednesday, July 20, 2005 with presentations on crime statistics and beat configurations of IPD and MCSD. The Indianapolis Airport Police will also address the committee at this meeting. On Monday, July 25, 2005 the Fraternal Order of Police will host a consolidation committee hearing that will again involve public testimony.

#### CONCLUSION

With no further business pending, and upon motion duly made, the Indianapolis-Marion County Law Enforcement Consolidation Committee of the City-County Council was adjourned at 8:18 p.m.

Respectfully submitted,

Mary Moriarty Adams, Chairwoman  
Public Safety and Criminal Justice Committee

MMA/rjp